

117TH CONGRESS  
1ST SESSION

# S. 2834

To amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2021

Mr. DURBIN (for himself, Mr. CASSIDY, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dr. Joanne Smith Me-  
5 morial Rehabilitation Innovation Centers Act of 2021”.

6 **SEC. 2. PRESERVING ACCESS TO REHABILITATION INNOVA-**  
7 **TION CENTERS UNDER MEDICARE.**

8 (a) IN GENERAL.—Section 1886(j)(7)(E) of the So-  
9 cial Security Act (42 U.S.C. 1395ww(j)(7)(E)) is amend-  
10 ed—

1           (1) by striking “PUBLIC AVAILABILITY OF DATA  
2           SUBMITTED.—The” and inserting “PUBLIC AVAIL-  
3           ABILITY OF DATA SUBMITTED.—

4                           “(i) IN GENERAL.—The”; and

5           (2) by inserting after clause (i), as redesignated  
6           by paragraph (1), the following new clauses:

7                           “(ii) PUBLIC RECOGNITION OF REHA-  
8                           BILITATION INNOVATION CENTERS.—Be-  
9                           ginning not later than one year after the  
10                          date of the enactment of this clause, the  
11                          Secretary shall make publicly available on  
12                          such Internet website, in addition to the  
13                          information required to be reported on  
14                          such website under clause (i), a list of all  
15                          rehabilitation innovation centers, and shall  
16                          update such list on such website not less  
17                          frequently than biennially. In carrying out  
18                          the activities under this clause, the Sec-  
19                          retary shall disseminate research, best  
20                          practices, and other clinical information  
21                          identified or developed by such rehabilita-  
22                          tion innovation centers to, as appropriate,  
23                          Federal agencies, hospitals, health profes-  
24                          sional organizations, and national and  
25                          State accreditation bodies.

1           “(iii) REHABILITATION INNOVATION  
 2           CENTERS DEFINED.—For purposes of  
 3           clause (ii), the term ‘rehabilitation innova-  
 4           tion centers’ means a rehabilitation facility  
 5           that, as of the applicable date (as defined  
 6           in clause (v)), is a rehabilitation facility  
 7           described in clause (iv).

8           “(iv) REHABILITATION FACILITY DE-  
 9           SCRIBED.—A rehabilitation facility de-  
 10          scribed in this clause is a rehabilitation fa-  
 11          cility that—

12                   “(I) is classified as a rehabilita-  
 13                   tion facility under the IRF Rate Set-  
 14                   ting File for the Inpatient Rehabilita-  
 15                   tion Facility Prospective Payment  
 16                   System for Federal Fiscal Year 2019  
 17                   (83 Fed. Reg. 38514), or any suc-  
 18                   cessor regulations that contain such  
 19                   information;

20                   “(II) holds, as of the applicable  
 21                   date at least one Federal rehabilita-  
 22                   tion research and training designation  
 23                   for research projects on traumatic  
 24                   brain injury or spinal cord injury  
 25                   from the National Institute on Dis-

1 ability, Independent Living, and Re-  
2 habilitation Research at the Depart-  
3 ment of Health and Human Services,  
4 based on such data submitted to the  
5 Secretary by a facility, in a form,  
6 manner, and time frame specified by  
7 the Secretary;

8 “(III) submits to the Secretary a  
9 description of the clinical research en-  
10 terprise of the facility and a summary  
11 of research activities of the facility  
12 that are supported by Federal agen-  
13 cies;

14 “(IV) has a minimum Medicare  
15 estimated weight per discharge of  
16 1.20 for the most recent fiscal year  
17 for which such information is avail-  
18 able according to the IRF Rate Set-  
19 ting File described in subclause (I), or  
20 any successor regulations that contain  
21 such information; and

22 “(V) has a minimum teaching  
23 status of 0.075 for the most recent  
24 fiscal year for which such information  
25 is available according to the IRF Rate

1           Setting File described in subclause  
2           (I), or any successor regulations that  
3           contain such information.

4           “(v) APPLICABLE DATE DEFINED.—  
5           For purposes of clauses (iii) and (iv), the  
6           term ‘applicable date’ means—

7                   “(I) with respect to the initial  
8                   publication of a list under clause (ii),  
9                   the date of the enactment of such  
10                  clause; and

11                   “(II) with respect to the publica-  
12                   tion of an updated list under clause  
13                   (ii), a date specified by the Secretary  
14                   that is not more than one year prior  
15                   to the date of such publication.

16           “(vi) IMPLEMENTATION.—Notwith-  
17           standing any other provision of law the  
18           Secretary may implement clauses (ii)  
19           through (v) by program instruction or oth-  
20           erwise.

21           “(vii) NONAPPLICATION OF PAPER-  
22           WORK REDUCTION ACT.—Chapter 35 of  
23           title 44, United States Code, shall not  
24           apply to data collected under clauses (ii)  
25           through (v).”.

1       (b) REPORT.—Not later than March 15, 2022, the  
2 Secretary of Health and Human Services shall submit to  
3 Congress a report containing any recommendations for  
4 such legislation or administrative action as the Secretary  
5 determines appropriate to preserve access to rehabilitation  
6 innovation centers (as defined in section 1886(j)(7)(E)(iii)  
7 of the Social Security Act, as added by subsection (a)).

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